

REMARKS

To comply with the Office requirement, the Applicant elects, with traverse, to prosecute the invention of Restriction Group II, including Claims 38-53, which are drawn to a method for selectively binding of a substrate having at least two different groups which are capable of binding to at least one sorbent.

The subject matter encompassed in Restriction Group I, including Claims 22-37 and 54, is directed to a method for the manufacture of at least one sorbent having at least two different groups which are capable of binding, for the selective binding of a substrate, whereby the groups are determined such that the contributions of the Gibbs energies of the individual groups to the non-covalent bond with the second substrate yield a negative values of the Gibbs energy, such that binding strengthening occurs that results in an improved separation selectivity with respect to at least one substance to be separated off.

Restriction Group II, including Claims 38-53, is directed to a method for the selectively binding of a substrate to at least one sorbent having at least two different groups which are capable of binding, whereby the groups are determined such that the contributions of the Gibbs energies of the individual groups to the non-covalent bond with the second substrate yield a negative values of the Gibbs energy, such that binding strengthening occurs that results in an improved separation selectivity with respect to at least one substance to be separated off.

Restriction Group III, Claims 55-56; Restriction Group IV, Claim 57; and Restriction Group V, Claim 58, recite the embodiment of at least one sorbent having at least two different first groups, whereby the at least two different first groups are selected such that the contributions of the Gibbs energies of the individual first groups to the non-covalent bond with the second substrate yield a negative values of the Gibbs energy, such that binding strengthening occurs that results in an improved separation selectivity with respect to at least one substance to be separated off.

The Office cites Hutchens, et al. (WO 98/59360) as disclosing a method of manufacturing at least one sorbent for the selective binding of a substrate, which disclosure is the basis for the conclusion that the common special technical feature, as formulated by the Office, is known in the art, thereby negating the common special technical feature underlying the invention.

The Applicant traverses the Restriction Requirement on the basis that Hutchens, et al. do not teach the common technical feature unifying the inventions of the identified Restriction Groups I-V. A common technical feature of the instant claims is at least one sorbent having at least two different groups, whereby the contributions of the Gibbs energies of the individual groups are such that binding strengthening occurs that results in an improved separation selectivity with respect to at least one substance to be separated off. This surprising technical effect is not described in Hutchens, et al., and therefore, establishes a common special technical feature. The Applicant respectfully requests withdrawal of the Restriction Requirement.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Office may withdraw the non-elected subject matter without prejudice to its rejoinder during later examination and/or prosecution in a divisional application.

The Applicant respectfully submits that by merely withdrawing the non-elected subject matter pending notification of allowable subject matter, the Applicant distinctly and affirmatively identifies subject matter which he asserts, upon examination will be found a part of the claimed invention. The Applicant reasserts his right to rejoin non-elected claims upon the identification of allowable subject matter.

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Accordingly, entry of the present Response and Election into the record of this application and swift and favorable action on the merits thereof, are respectfully solicited.

It should be apparent that the undersigned agent has made an earnest effort to place this application into condition for immediate allowance. If she can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call her at the below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 
KATHERINE L. WEILAND

Dated: April 20, 2009
Customer No.: 25,666
Seventh Floor, Kalamazoo Building
107 West Michigan Ave.
Kalamazoo, MI 49007
(269) 382-0030

Enclosure: Postal Card Receipt.

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.